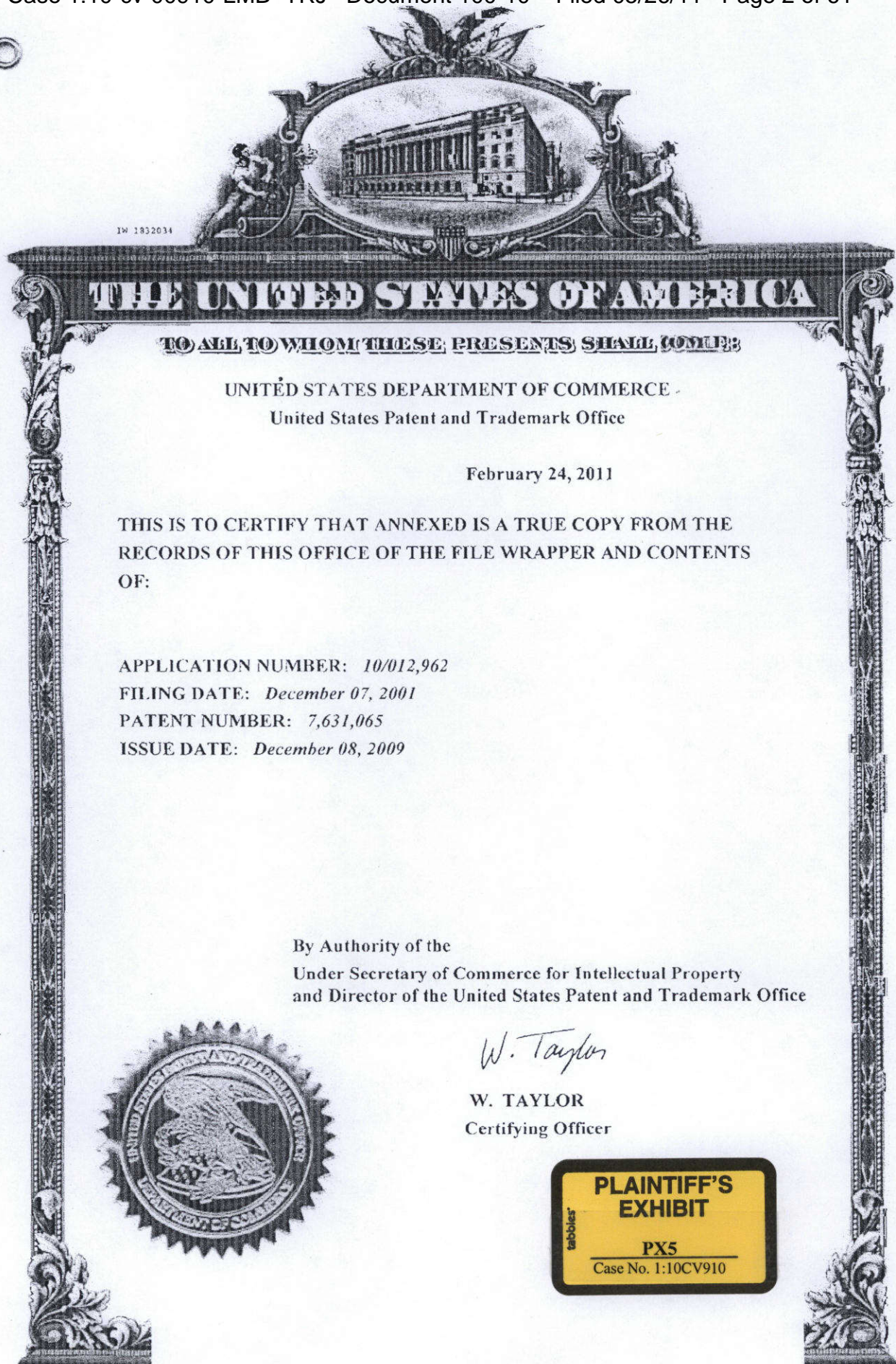


EXHIBIT J



1W 1832034

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

February 24, 2011

THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF THE FILE WRAPPER AND CONTENTS
OF:

APPLICATION NUMBER: 10/012,962

FILING DATE: December 07, 2001

PATENT NUMBER: 7,631,065

ISSUE DATE: December 08, 2009

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



W. Taylor

W. TAYLOR
Certifying Officer

**PLAINTIFF'S
EXHIBIT**

PX5

Case No. 1:10CV910

Practitioner's Docket No. XACTP014

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: L. Schweitzer et al.

Application No.: 09/442,876

Group No.: 2155

Filed: 11/18/1999

Examiner: Wiley, D.

For: NETWORK ACCOUNTING AND BILLING SYSTEM AND METHOD

Commissioner for Patents

Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. SECTION 1.48(A)(1)

1. My name is Limor Schweitzer. I reside at 2900 Lakeside Drive, Santa Clara, California 95054.
2. I am an inventor of the patent application entitled NETWORK ACCOUNTING AND BILLING SYSTEM AND METHOD, that was filed on November 18, 1999 under serial number 09/442,876.
3. I, the person signing below, hereby state that the error in omitting Tal Givoly as an inventor of the patent application of item 2 occurred by error, without deceptive intent.

16-Nov-2001

Date



Limor Schweitzer

Attorney Docket No. XACTP014

AMDOCS0968589

NOV. 21. 2001 3:36PM PM 4086549904 XACCT TECHNOLOGIES 408 257 2432 NO. 4873 P. 4¹³

Practitioner's Docket No. XACTP014

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of L. Schweitzer et al.

Application No.: 09/442,876

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For: NETWORK ACCOUNTING AND BILLING SYSTEM AND METHOD

Commissioner for Patents

Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. SECTION 1.48(A)(1)

- 970 Terrace Dr., LOS ALTOS, CA, 94024
1. My name is Ernan Wagner. I reside at 20677 Forge Way, Apt. 217, Cupertino, California 95014.
 2. I am an inventor of the patent application entitled NETWORK ACCOUNTING AND BILLING SYSTEM AND METHOD, that was filed on November 18, 1999 under serial number 09/442,876.
 3. I, the person signing below, hereby state that the error in omitting Tal Givoly as an inventor of the patent application of item 2 occurred by error, without deceptive intent.

Date

Ernan Wagner

Practitioner's Docket No. XACTP014

Practitioner's Docket No. XACTP014

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: L. Schweitzer et al.

Application No.: 09/442,876

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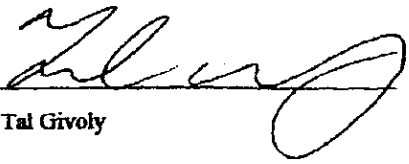
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. SECTION 1.48(A)(1)

1. My name is Tal Givoly. I reside at 10141 Orange Avenue, Cupertino, California 95014.
2. I am an inventor of the patent application entitled NETWORK ACCOUNTING AND BILLING SYSTEM AND METHOD, that was filed on November 18, 1999 under serial number 09/442,876.
3. I, the person signing below, hereby state that the error in omitting myself as an inventor of the patent application of item 2 occurred by error, without deceptive intent.

11/15/01

Date



Tal Givoly

Practitioner's Docket No. XACTP014

REMARKS

By the present Preliminary Amendment, Applicants have canceled Claims 1, 15-16, 18-21, and 24-32 of the originally filed application in favor of newly added Claims 33-52.

Applicants present the above preliminary amendment in conjunction with a Request By Applicants For Interference Pursuant to 37 CFR § 1.607 wherein Applicants respectfully request that an interface be declared between the above application and U.S. Patent No. 6,405,251. The information required by 37 CFR § 1.607(a) is set forth under headings, which correspond to the subsections of § 1.607 to facilitate consideration by the Examiner.

I. IDENTIFICATION OF THE PATENT THAT INCLUDES
SUBJECT MATTER WHICH INTERFERES WITH THE APPLICATION

The patent which claims subject matter that interferes with subject matter claimed in the present application ("the Schweitzer application") is U.S. Patent No. 6,405,251 ("the Bullard patent") issued on June 11, 2002 to Bullard et al. for "Enhancement of Network Accounting Records." The Bullard patent was issued on Application Serial No. 09/276,201, filed 03/25/99 and assigned to Nortel Networks Limited, Inc. on the face of the patent.

II. PRESENTATION OF A PROPOSED COUNT

Attached Appendix E sets forth a proposed count. The proposed count is prepared after consideration of the subject matter claimed by the respective parties.

III. IDENTIFICATION OF CLAIMS OF THE BULLARD
PATENT WHICH CORRESPOND TO THE PROPOSED COUNT

Claims 1-22 of the Bullard patent, the issued claims, are believed to correspond to the proposed count. In order to assist the Examiner, attached Appendix F sets forth a side-by-side comparison of Claim 1 of the Bullard patent with the proposed count.

IV. CLAIMS OF THE SCHWEITZER APPLICATION
WHICH CORRESPOND TO THE PROPOSED COUNT

Newly added Claims 33-52 of the Schweitzer application are believed to correspond to the proposed count. To assist the Examiner in this regard, Applicants attach Appendices G and H. Appendix G is a chart providing an element-by-element recitation of the newly added claims of the Schweitzer application and an indication of the passages in the originally filed application¹ where, at the very least, the claims find support. Appendix H is a chart providing a side-by-side comparison of Claim 33 of the Schweitzer application with the proposed count.

V. 35 U.S.C. § 135(b) IS SATISFIED

35 U.S.C. § 135(b) is met.

VI. CONCLUSION

Applicants respectfully request that an interference be declared employing the proposed count set forth on attached Appendix E with Claims 1-22 of the Bullard patent and Claims 33-52 designated as corresponding to the count. Such action is respectfully requested.

Respectfully Submitted,
Silicon Valley IP Group

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¹ The present Schweitzer application claims priority of a US Application filed 11/18/99 under serial number 09/442,872, a PCT application filed 11/20/1998 under serial number PCT/US98/24963, a first provisional patent application filed 11/20/1997 under serial number 60/066,898, and a second provisional patent application filed 11/19/1998 under serial number 60/109,095. Accordingly, the Schweitzer application should be accorded benefit of these prior applications in the declaration of interference. Schweitzer should also be designated as the senior party in the interference as having the earlier effective filing date, versus March 22, 1999, for Bullard.

APPENDIX A

ENHANCEMENT OF NETWORK ACCOUNTING RECORDS

[SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR MERGING DATA IN A
NETWORK-BASED FILTERING AND AGGREGATING PLATFORM]

APPENDIX B

A system and method are provided for processing network accounting information. A first network accounting record is received from a first source. Thereafter, the first network accounting record is correlated with accounting information available from a second source. The accounting information with which the first network accounting record is correlated is then used to enhance the first network accounting record.

[A network accounting and billing system and method are described. In some embodiments, the system can access any network related information sources such as traffic statistics provided by routers and switching hubs as well as application server access logs. The information can be accumulated in a central database for creating auditing, accounting and billing reports. Alternatively, the information can be sent directly to other systems such as rating engines used in customer care and billing systems.

In one embodiment, network traffic information is captured at network information sources (examples of information sources include network devices). These sources provide detailed information about the network communications transactions at a network device. Importantly, different types of sources can provide different types of information. Gatherer devices gather the detailed information from the various information source devices and convert the information into standardized information. The gatherer devices can correlate the gathered information with account information for network transaction accounting. Manager devices manage the gatherer devices and store the gathered standardized information. The manager devices eliminate duplicate network information that may exist in the standardized information. The manager devices also consolidate the information. Importantly, the information stored by the manager devices represents the consolidated, account correlated, network transaction information used for billing. In addition to account information, transaction information can be correlated to other information such as geography information (e.g., the location of an accessed server) and/or transaction routing information (as may be used in peering agreements between Internet Service Providers). The system thereby provides a distributed network accounting and billing system.

In some embodiments, the gatherer devices can access sources through proxy gateways, firewalls, and/or address translation barriers.

In some embodiments, the gatherer devices can correlate the information about a specific transaction with a particular account by accessing the transaction's source and/or destination information. The source and/or destination information is then correlated with account information from an account information database.]

APPENDIX C

Please cancel Claims 1, 15-16, 18-21, and 24-32.

33. (New) A method of processing network accounting information comprising:

receiving from a first source a first network accounting record;

correlating the first network accounting record with accounting information available from a second source; and

using the accounting information with which the first network accounting record is correlated to enhance the first network accounting record.

34. (New) The method of claim 33, wherein the enhancement is based on a policy.

35. (New) The method of claim 34, wherein the accounting information includes parameters and wherein the using comprises adding at least one parameter from the accounting information to the first network accounting record.

36. (New) The method of claim 35, wherein the accounting information is in the form of a second network accounting record.

37. (New) The method of claim 36, wherein the second source is a network source, further comprising:

receiving the second network accounting record from the second source.

38. (New) The method of claim 35, wherein the second source is a memory, further comprising:

providing the accounting information to the memory for storage.

39. (New) A system for collecting data from network entities for a data consuming application, comprising:

a plurality of data collectors to receive information from the network entities and to produce records based on the information, each data collector in the plurality of data collectors being associated with and coupled to a different one of the network entities; and

an enhancement component that augments data in one of the records produced by one of the plurality of data collectors with data from a different one of the records produced by another of the plurality of data collectors.

40. (New) The system of claim 39, wherein the plurality of data collectors receive the records and correlate a first of the records with accounting information available from a second source and use the accounting information to enhance the first record.

41. (New) The system of claim 40, wherein the enhancement is based on a policy.

42. (New) The system of claim 39, wherein the accounting information includes parameters and the enhancement component adds at least one parameter from the accounting information to the first record.

43. (New) The system of claim 39, further comprising:

a module coupled to the plurality of data collectors, the module receives the records produced by the plurality of data collectors for aggregation purposes, and wherein the enhancement component resides in the module.

44. (New) A computer program product for processing network accounting information comprising:

computer code for receiving from a first source a first network accounting record;

computer code for correlating the first network accounting record with accounting information available from a second source; and

computer code for using the accounting information with which the first network accounting record is correlated to enhance the first network accounting record.

45. (New) The computer program product of claim 44, wherein the enhancement is based on a policy.

46. (New) The computer program product of claim 45, wherein the accounting information includes parameters and wherein the using comprises adding *at least one parameter from the* accounting information to the first network accounting record.

47. (New) The computer program product of claim 46, wherein the accounting information is in the form of a second network accounting record.

48. (New) The computer program product of claim 47, wherein the second source is a network source, further comprising:

computer code for receiving the second network accounting record from the second source.

49. (New) The computer program product of claim 46, wherein the second source is a memory, further comprising:

computer code for providing the accounting information to the memory for storage.

50. (New) A method for collecting data from network entities for a data consuming application having policy, comprising:

receiving a first network record and a second network record, each associated with a different network entity and including data parameters of the associated different network entity;

determining that the first and the second network records are related;

determining from the policy that the first network activity is to be enhanced with one of the data parameters from the second network record; and

adding the one of the data parameters from the second network record to the first network record.

51. (New) The method of claim 50, wherein adding is performed by an enhancement component that resides in a module capable of aggregation.

52. (New) An apparatus for enhancing network accounting data records for an accounting data consuming application having a policy, the apparatus coupled to a plurality of data collectors, each data collector collecting data from a different network entity, comprising:

a memory device for storing accounting data records received from the plurality of data collectors;

wherein a new accounting data record is correlated with one of the stored accounting data records; and

an enhancement device, responsive to the policy, for augmenting the new accounting data record with data from one of the stored accounting data records with which the new accounting data record is correlated.

APPENDIX D

A system and method are provided for processing network accounting information. A first network accounting record is received from a first source. Thereafter, the first network accounting record is correlated with accounting information available from a second source. The accounting information with which the first network accounting record is correlated is then used to enhance the first network accounting record.

[In some embodiments, network traffic information is captured at network information sources. These sources provide detailed information about the network communications transactions at a network device. Importantly, different types of sources can provide different types of information. Gatherer devices gather the detailed information from the various information source devices and convert the information into standardized information. The gatherer devices can correlate the gathered information with account information for network transaction accounting. Manager devices manage the gatherer devices and store the gathered standardized information. The manager devices eliminate duplicate network information that may exist in the standardized information. The manager devices also consolidate the information. Importantly, the information stored by the manager devices represents the consolidated, account correlated, network transaction information that can be used for billing or network accounting. The system thereby provides a distributed network accounting and billing system.]

APPENDIX E

Count #1. A method of processing network accounting information comprising:
receiving from a first source a first network accounting record;
correlating the first network accounting record with accounting information available from a second source; and

using the accounting information with which the first network accounting record is correlated to enhance the first network accounting record.

APPENDIX F

IDENTIFICATION OF CLAIM OF THE BULLARD
PATENT WHICH CORRESPONDS TO THE PROPOSED COUNT

Count #1

Claim 1 of U.S. Patent No. 6,405,251 (the Bullard Patent)

Count #1. A method of processing network accounting information comprising:	Claim 1. A method of processing network accounting information comprising:
receiving from a first source a first network accounting record;	receiving from a first source a first network accounting record;
correlating the first network accounting record with accounting information available from a second source; and	correlating the first network accounting record with accounting information available from a second source; and

using the accounting information with which the first network accounting record is correlated to enhance the first network accounting record.	using the accounting information with which the first network accounting record is correlated to enhance the first network accounting record.
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APPENDIX G

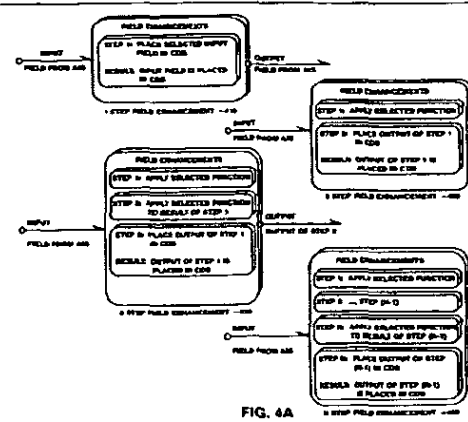
CHART PROVIDING ELEMENT-BY-ELEMENT RECITATION OF THE NEWLY ADDED
CLAIMS OF THE SCHWEITZER APPLICATION AND AN INDICATION OF THE PASSAGES IN THE
ORIGINALLY FILED APPLICATION

Claims 33-52 of U.S. Patent App. Ser. No. 10/012,962 Spec. of U.S. Patent App. Ser. No. 10/012,962

33. A method of processing network accounting information comprising:	“FIG. 2 illustrates the data distillation <u>process</u> performed by the system of FIG. 1. The data distillation aggregates and correlate <u>information</u> from many different <u>network</u> devices to compile data useful in billing and <u>network accounting</u> .” (emphasis added) (see pg. 22, lines 13-15)
receiving from a first source a first network accounting record;	<p>“FIG. 2 illustrates the data distillation <u>process</u> performed by the system of FIG. 1. The data distillation aggregates and correlate information from many <i>different</i> <u>network</u> devices to compile data useful in billing and <u>network accounting</u>.” (emphasis added) (see pg. 22, lines 13-15)</p> <p>“Real time correlation of data from various <u>sources</u> allows <u>billing record</u> enhancement.” (emphasis added) (see pg. 9, lines 13-14)</p>

	<p>“Therefore, the name of the host is added to the data (the data <u>record</u>) collected from the proxy server 101.” (emphasis added) (see pg. 25, lines 4-5)</p>
<p>correlating the first network accounting record with accounting information available from a second source; and</p>	<p>“FIG. 2 illustrates the data distillation process performed by the system of FIG. 1. The data distillation aggregates and <u>correlate information</u> from many different network devices to compile data useful in billing and <u>network accounting</u>.” (emphasis added) (see pg. 22, lines 13-15)</p> <p>“Real time correlation of data from various <u>sources</u> allows <u>billing record</u> enhancement.” (emphasis added) (see pg. 9, lines 13-14)</p> <p>“Therefore, the name of the host is added to the data (the data <u>record</u>) collected from the proxy server 101.” (emphasis added) (see pg. 25, lines 4-5)</p>

<p>using the accounting information with which the first network accounting record is correlated to enhance the first network accounting record.</p>	<p>"FIG. 2 illustrates the data distillation process performed by the system of FIG. 1. The data distillation aggregates and <u>correlate information</u> from many different network devices to compile data useful in billing and <u>network accounting</u>." (emphasis added) (see pg. 22, lines 13-15)</p> <p>"Real time correlation of data from various sources allows <u>billing record</u> enhancement." (emphasis added) (see pg. 9, lines 13-14)</p> <p>"Therefore, the name of the host is added to the data (the data <u>record</u>) collected from the proxy server 101." (emphasis added) (see pg. 25, lines 4-5)</p> <p>"FIG. 4A illustrates various field <u>enhancements</u> (410 through 440). A field enhancement includes applying zero or more functions to a field before storing the field in a specified field in the central database 175." (emphasis added) (see pg. 24, lines 6-8)</p>
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"Two-step Field Enhancement 420. The initial source data from the asynchronous ISM is used to obtain new additional data from a synchronous network device and the new data is placed in a field in the central database 175. Example: the *field enhancement for the Source Host field.*" (see pg. 24, lines 12-15)

"Threc-step Enhancement 430. The initial source data from the asynchronous ISM is used to obtain additional data from a synchronous ISM. The result is used to obtain more data from another ISM and the result is placed in a field in the central database 175." (see pg. 24, lines 16-19)

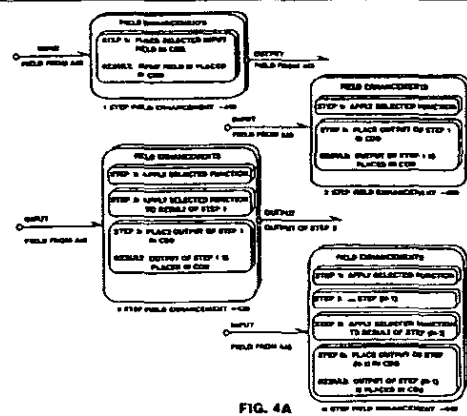
"The following illustrates an example

	<p>data enhancement. Suppose the data obtained from a proxy server 101 contains the source IP address of a given session, such as 199.203.132.2, but not the complete domain address of the host computer (its Fully Qualified Domain Name), such as www.xacct.com. The name of the host can be obtained by another network device--the Domain Name System (DNS 102) server. The DNS server 102 contains information that matches IP addresses of host computers to their Fully Qualified Domain Names (FQDNs). Through an enhancement procedure the information collected from the proxy server 101 can be supplemented by the information from the DNS 102. Therefore, the name of the host is added to the data (the data record) collected from the proxy server 101. The process of adding new data to the data record from different network devices can be repeated several times until all required data is collected and the data record is placed in the central database 175." (see pg. 24, lines 20-25, and pg. 25, lines 1-8)</p>
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<p>34. The method of claim 33, wherein the enhancement is based on a policy.</p>	<p>“Real-time, policy-based filtering, aggregation, enhancement and merging creates accurate, detailed and comprehensive session detail records (DRs).” (see pg. 9, lines 11-12)</p>
<p>35. The method of claim 34, wherein the accounting information includes parameters and wherein the using comprises adding at least one parameter from the accounting information to the first network accounting record.</p>	<p>“Through the field enhancements, the missing parameters are added to a record using the data collected from one or more synchronous ISMs. Enhancements are described in detail below.” (see pg. 17, lines 18-20)</p>
<p>36. The method of claim 35, wherein the accounting information is in the form of a second network accounting record.</p>	<p>“Through the field enhancements, the missing parameters are added to a record using the data collected from one or more synchronous ISMs.” (see pg. 17, lines 18-20)</p> <p>“FIG. 4B illustrates another example data enhancement where an enhanced record 490 is created from an initial <i>netflow</i> record 492. Fields in the enhanced record 490 are enhanced from the radius record 494, the QoS policy server record 496, the NMS DB record 498, and the LDAP record 499.” (see pg. 25, lines 9-12)</p>

<p>37. The method of claim 36, wherein the second source is a network source, further comprising:</p> <p>receiving the second network accounting record from the second source.</p>	<p>"Through the field enhancements, the missing parameters are added to a record using the data collected from one or more synchronous ISMs." (see pg. 17, lines 18-20)</p> <p>" FIG. 4B illustrates another example data enhancement where an enhanced record 490 is created from an initial netflow record 492. Fields in the enhanced record 490 are enhanced from the radius record 494, the QoS policy server record 496, the NMS DB record 498, and the LDAP record 499." (see pg. 25, lines 9-12)</p>
<p>38. The method of claim 35, wherein the second source is a memory, further comprising:</p> <p>providing the accounting information to the memory for storage.</p>	<p>"How to combine the records; that is, for each field, which value (from which enhancement procedure) must be stored in the central database 175" (see pg. 31, lines 9-10)</p> <p>"The gatherers can include caches and buffers for storing information from the ISMs. The buffers allow the gatherers to compensate for situations where there is a loss of connection with the rest of the system 100. The caches can reduce the number of accesses to an information source." (see pg. 17, lines 21-23, and pg. 18, lines 1)</p>

<p>39. A system for collecting data from network entities for a data consuming application, comprising:</p>	<p>“The ISMs act as an interface between the gatherers and the network devices enabling the gatherers to collect data from the network devices.” (see pg. 12, lines 11-12)</p>
<p>a plurality of data collectors to receive information from the network entities and to produce records based on the information, each data collector in the plurality of data collectors being associated with and coupled to a different one of the network entities; and</p>	<p>“The ISMs act as an interface between the gatherers and the network devices enabling the gatherers to collect data from the network devices.” (see pg. 12, lines 11-12)</p> <p>“By combining IP session data from multiple sources, such as authentication servers, DHCP and Domain Name servers, the gatherers create meaningful session records tailored to the NSP's specific requirements.” (see pg. 17, lines 9-11)</p>
<p>an enhancement component that augments data in one of the records produced by one of the plurality of data collectors with data from a different one of the records produced by another of the plurality of data collectors.</p>	<p>“Therefore, the name of the host is added to the data (the data record) collected from the proxy server 101.” (see pg. 25, lines 4-5)</p> <p>“FIG. 4A illustrates various field enhancements (410 through 440). A field enhancement includes applying zero or more functions to a field before storing the field in a specified field in the central database 175.” (see pg. 24, lines 6-8)</p>



"Two-step Field Enhancement 420.

The initial source data from the asynchronous ISM is used to obtain new additional data from a synchronous network device and the new data is placed in a field in the central database 175. Example: the field enhancement for the Source Host field." (see pg. 24, lines 12-15)

"Three-step Enhancement 430. The initial source data from the asynchronous ISM is used to obtain additional data from a synchronous ISM. The result is used to obtain more data from another ISM and the result is placed in a field in the central database 175." (see pg. 24, lines 16-19)

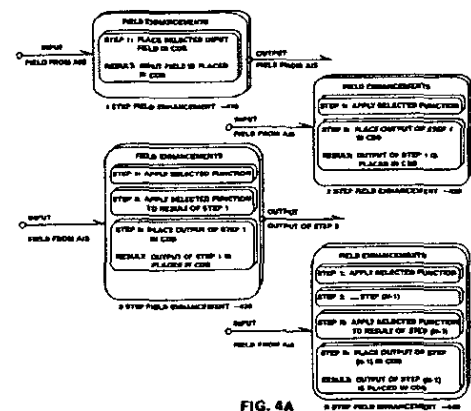
The following illustrates an example data enhancement. Suppose the data obtained from a proxy server 101 contains the source IP address of a

	<p>given session, such as 199.203.132.2, but not the complete domain address of the host computer (its Fully Qualified Domain Name), such as www.xacct.com. The name of the host can be obtained by another network device--the Domain Name System (DNS 102) server. The DNS server 102 contains information that matches IP addresses of host computers to their Fully Qualified Domain Names (FQDNs). Through an enhancement procedure the information collected from the proxy server 101 can be supplemented by the information from the DNS 102. Therefore, the name of the host is added to the data (the data record) collected from the proxy server 101. The process of adding new data to the data record from different network devices can be repeated several times until all required data is collected and the data record is placed in the central database 175." (see pg. 24, lines 20-25, and pg. 25, lines 1-8)</p>
<p>40. The system of claim 39, wherein the plurality of data collectors receive the records and correlate a first of the records with accounting information available from a second source and use the accounting information to enhance the first record.</p>	<p>"FIG. 2 illustrates the data distillation process performed by the system of FIG. 1. The data distillation aggregates and correlate information from many different network devices to compile data useful in billing and network accounting." (see pg. 22, lines 13-15)</p> <p>"Real time correlation of data from</p>

various sources allows billing record enhancement.” (see pg. 9, lines 13-14)

“Therefore, the name of the host is added to the data (the data record) collected from the proxy server 101.” (see pg. 25, lines 4-5)

“FIG. 4A illustrates various field enhancements (410 through 440). A field enhancement includes applying zero or more functions to a field before storing the field in a specified field in the central database 175.” (see pg. 24, lines 6-8)



“Two-step Field Enhancement 420. The initial source data from the asynchronous ISM is used to obtain new additional data from a synchronous network device and the new data is placed in a field in the central database 175. Example: the field enhancement for the Source Host

	<p>field. (see pg. 24, lines 12-15)</p> <p>"Three-step Enhancement 430. The initial source data from the asynchronous ISM is used to obtain additional data from a synchronous ISM. The result is used to obtain more data from another ISM and the result is placed in a field in the central database 175." (see pg. 24, lines 16-19)</p> <p>"The following illustrates an example data enhancement. Suppose the data obtained from a proxy server 101 contains the source IP address of a given session, such as 199.203.132.2, but not the complete domain address of the host computer (its Fully Qualified Domain Name), such as www.xacct.com. The name of the host can be obtained by another network device--the Domain Name System (DNS 102) server. The DNS server 102 contains information that matches IP addresses of host computers to their Fully Qualified Domain Names (FQDNs). Through an enhancement procedure the information collected from the proxy server 101 can be supplemented by the information from the DNS 102. Therefore, the name of the host is added to the data (the data record) collected from the proxy server 101. The process of adding new</p>
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	<p>data to the data record from different network devices can be repeated several times until all required data is collected and the data record is placed in the central database 175.” (see pg. 24, lines 20-25, and pg. 25, lines 1-8)</p>
<p>41. The system of claim 40, wherein the enhancement is based on a policy.</p>	<p>“Real-time, policy-based filtering, aggregation, enhancement and merging creates accurate, detailed and comprehensive session detail records (DRs).” (see pg. 9, lines 11-12)</p>
<p>42. The system of claim 40, wherein the accounting information includes parameters and the enhancement component adds at least one parameter from the accounting information to the first record.</p>	<p>“Through the field enhancements, the missing parameters are added to a record using the data collected from one or more synchronous ISMs. Enhancements are described in detail below.” (see pg. 17, lines 18-20)</p>
<p>43. The system of claim 39, further comprising:</p> <p>a module coupled to the plurality of data collectors, the module receives the records produced by the plurality of data collectors for aggregation purposes, and wherein the enhancement component resides in the module.</p>	<p>“Filtering and/or aggregation can be done at any point along a data enhancement (described below) so that aggregation schemes can be based on enhanced data records as they are accumulated.” (see pg. 16, lines 9-11)</p>

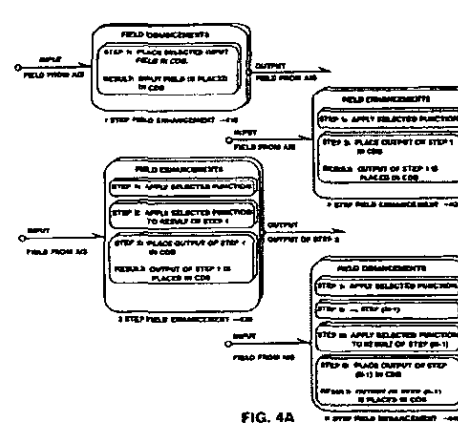
Computer program product Claims 44-49.	See support for claims 33-38 hereinabove.
50. A method for collecting data from network entities for a data consuming application having a policy, comprising:	<p>“The ISMs act as an interface between the gatherers and the network devices enabling the gatherers to collect data from the network devices.” (see pg. 12, lines 11-12)</p> <p>“The system transforms raw transaction data from network devices into useful billing records though policy-based filtering, aggregation, and merging.” (see pg. 8, lines 13-14)</p>

<p>receiving a first network record and a second network record, each associated with a different network entity and including parameters of the associated different network entity;</p>	<p>“The ISMs act as an interface between the gatherers and the network devices enabling the gatherers to collect data from the network devices.” (see pg. 12, lines 11-12)</p> <p>“By combining IP session data from multiple sources, such as authentication servers, DHCP and Domain Name servers, the gatherers create meaningful session records tailored to the NSP's specific requirements.” (see pg. 17, lines 9-11)</p>
<p>determining that the first and the second network records are related;</p>	<p>“A network accounting and billing system and method are described. In some embodiments, the system can access any network related information sources such as traffic statistics provided by routers and switching hubs as well as application server access logs.” (see pg. 5, lines 1-5)</p> <p>“FIG. 2 illustrates the data distillation process performed by the system of FIG. 1. The data distillation aggregates and correlate information from many different network devices to compile data useful in billing and network accounting.” (see pg. 22, lines 13-15)</p> <p>“Real time correlation of data from various sources allows billing record enhancement.” (see pg. 9, lines 13-14)</p>

<p>determining from the policy that the first network activity is to be enhanced with one of the data parameters from the second network record; and</p>	<p>"FIG. 2 illustrates the data distillation process performed by the system of FIG. 1. The data distillation aggregates and correlate information from many different network devices to compile data useful in billing and network accounting." (see pg. 22, lines 13-15)</p> <p>"Real time correlation of data from various sources allows billing record enhancement." (see pg. 9, lines 13-14)</p> <p>"The system transforms raw transaction data from network devices into useful billing records though policy-based filtering, aggregation, and merging." (see pg. 8, lines 13-14)</p> <p>"FIG. 3 illustrates an example of data enhancement. Data enhancement comprises a number of field enhancements. A field enhancement specifies how the data obtained from the trigger of the enhancement procedure is processed before it is placed in a single field in the central database 175. The data can be placed in the field directly, or new information may be added to the record by applying a Synchronous ISM function. (In the example below, the function is "resolve the IP address to a host FQDN"). Field enhancements may involve one or multiple steps. There is no limit to the number of</p>
--	--

	<p>steps in a Field Enhancement. The data record starts with fields obtained from an asynchronous ISM 300. The fields in the DR 300 are then enhanced using the field enhancements. The enhanced fields result in the DR 320.” (see pg. 23, lines 7-16)</p>
<p>adding the one of the data parameters from the second network record to the first network record.</p>	<p>“Through the field enhancements, the missing parameters are added to a record using the data collected from one or more synchronous ISMs. Enhancements are described in detail below.” (see pg. 17, lines 18-20)</p>
<p>51. The method of claim 50, wherein adding is performed by an enhancement component that resides in a module capable of aggregation.</p>	<p>“Filtering and/or aggregation can be done at any point along a data enhancement (described below) so that aggregation schemes can be based on enhanced data records as they are accumulated.” (see pg. 16, lines 9-11)</p> <p>“Filtering and/aggregation and/or data enhancements can be done at any stage in the system 100.”</p>

<p>52. An apparatus for enhancing network accounting data records for an accounting data consuming application having a policy, the apparatus coupled to a plurality of data collectors, each data collector collecting data from a different network entity, comprising:</p>	<p>“Real-time, policy-based filtering, aggregation, enhancement and merging creates accurate, detailed and comprehensive session detail records (DRs).” (see pg. 9, lines 11-12)</p> <p>“The ISMs act as an interface between the gatherers and the network devices enabling the gatherers to collect data from the network devices.” (see pg. 12, lines 11-12)</p> <p>“By combining IP session data from multiple sources, such as authentication servers, DHCP and Domain Name servers, the gatherers create meaningful session records tailored to the NSP's specific requirements.” (see pg. 17, lines 9-11)</p>
<p>a memory device for storing accounting data records received from the plurality of data collectors;</p>	<p>“The gatherers can include caches and buffers for storing information from the ISMs. The buffers allow the gatherers to compensate for situations where there is a loss of connection with the rest of the system 100. The caches can reduce the number of accesses to an information source” (see pg. 17, lines 21-23, and pg. 18, lines 1)</p>

<p>wherein a new accounting data record is correlated with one of the stored accounting data records; and</p>	<p>“FIG. 2 illustrates the data distillation process performed by the system of FIG. 1. The data distillation aggregates and correlate information from many different network devices to compile data useful in billing and network accounting.” (see pg. 22, lines 13-15)</p> <p>“Real time correlation of data from various sources allows <i>billing record enhancement</i>.” (see pg. 9, lines 13-14)</p>
<p>an enhancement device, responsive to the policy, for <i>augmenting the new accounting data record</i> with data from one of the stored accounting data records with which the new accounting data record is correlated.</p>	<p>“Therefore, the name of the host is added to the data (the data record) collected from the proxy server 101.” (see pg. 25, lines 4-5)</p> <p>“FIG. 4A illustrates various field enhancements (410 through 440). A field enhancement includes applying zero or more functions to a field before storing the field in a specified field in the central database 175.” (see pg. 24, lines 6-8)</p> 

“Two-step Field Enhancement 420. The initial source data from the asynchronous ISM is used to obtain new additional data from a synchronous network device and the new data is placed in a field in the central database 175. Example: the field enhancement for the Source Host field. (see pg. 24, lines 12-15)

Three-step Enhancement 430. The initial source data from the asynchronous ISM is used to obtain additional data from a synchronous ISM. The result is used to obtain more data from another ISM and the result is placed in a field in the central database 175. (see pg. 24, lines 16-19)

The following illustrates an example data enhancement. Suppose the data obtained from a proxy server 101 contains the source IP address of a given session, such as 199.203.132.2, but not the complete domain address of the host computer (its Fully Qualified Domain Name), such as www.xacct.com. The name of the host can be obtained by another network device--the Domain Name System (DNS 102) server. The DNS server 102 contains information that matches IP addresses of host computers to their Fully Qualified Domain Names

	<p>(FQDNs). Through an enhancement procedure the information collected from the proxy server 101 can be supplemented by the information from the DNS 102. Therefore, the name of the host is added to the data (the data record) collected from the proxy server 101. The process of adding new data to the data record from different network devices can be repeated several times until all required data is collected and the data record is placed in the central database 175.” (see pg. 24, lines 20-25, and pg. 25, lines 1-8)</p>
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APPENDIX H

COMPARISON OF SCHWEITZER CLAIM 33 WITH THE PROPOSED COUNT

Count #1

Claim 33 of U.S. Patent App. Ser. No. 10/012,962

Count #1. A method of processing network accounting information comprising:	Claim 33. A method of processing network accounting information comprising:
receiving from a first source a first network accounting record;	receiving from a first source a first network accounting record;
correlating the first network accounting record with accounting information available from a second source; and	correlating the first network accounting record with accounting information available from a second source; and

using the accounting information with which the first network accounting record is correlated to enhance the first network accounting record.

using the accounting information with which the first network accounting record is correlated to enhance the first network accounting record.

IN THE ABSTRACT:

Please delete the ABSTRACT, and insert a new ABSTRACT as set forth hereinbelow: (See Appendix D)

A system and method are provided for processing network accounting information. A first network accounting record is received from a first source. Thereafter, the first network accounting record is correlated with accounting information available from a second source. The accounting information with which the first network accounting record is correlated is then used to enhance the first network accounting record.

IN THE TITLE:

Please delete the TITLE OF THE INVENTION, and insert a new TITLE OF THE INVENTION as set forth hereinbelow: (See Appendix A)

--ENHANCEMENT OF NETWORK ACCOUNTING RECORDS--.

IN THE SUMMARY:

Please delete the SUMMARY, and insert a new SUMMARY as set forth hereinbelow: (See Appendix B)

B A system and method are provided for processing network accounting information. A first network accounting record is received from a first source. Thereafter, the first network accounting record is correlated with accounting information available from a second source. The accounting information with which the first network accounting record is correlated is then used to enhance the first network accounting record.

IN THE CLAIMS:

Please cancel Claims 1, 15-16, 18-21, and 24-32 without prejudice or disclaimer of the subject matter contained therein. (See Appendix C)

Please add the following claims:

33. A method of processing network accounting information comprising:

receiving from a first source a first network accounting record;

correlating the first network accounting record with accounting information available from a second source; and

using the accounting information with which the first network accounting record is correlated to enhance the first network accounting record.

~~34~~. The method of claim 33, wherein the enhancement is based on a policy.

~~35~~. The method of claim 34, wherein the accounting information includes parameters and wherein the using comprises adding at least one parameter from the accounting information to the first network accounting record.

~~36~~. The method of claim 35, wherein the accounting information is in the form of a second network accounting record.

~~37~~. The method of claim 36, wherein the second source is a network source, further comprising:
receiving the second network accounting record from the second source.

~~38~~. The method of claim 35, wherein the second source is a memory, further comprising:
providing the accounting information to the memory for storage.

~~39~~. A system for collecting data from network entities for a data consuming application, comprising:

a plurality of data collectors to receive information from the network entities and to produce records based on the information, each data collector in the plurality of data collectors being associated with and coupled to a different one of the network entities; and

an enhancement component that augments data in one of the records produced by one of the plurality of data collectors with data from a different one of the records produced by another of the plurality of data collectors.

~~40~~. The system of claim 39, wherein the plurality of data collectors receive the records and correlate a first of the records with accounting information available from a second source and use the accounting information to enhance the first record.

~~41~~. The system of claim 40, wherein the enhancement is based on a policy.

42. The system of claim 40, wherein the accounting information includes parameters and the enhancement component adds at least one parameter from the accounting information to the first record.

43. The system of claim 39, further comprising:

a module coupled to the plurality of data collectors, the module receives the records produced by the plurality of data collectors for aggregation purposes, and wherein the enhancement component resides in the module.

44. A computer program product for processing network accounting information comprising:

computer code for receiving from a first source a first network accounting record;

computer code for correlating the first network accounting record with accounting information available from a second source; and

computer code for using the accounting information with which the first network accounting record is correlated to enhance the first network accounting record.

45. The computer program product of claim 44, wherein the enhancement is based on a policy.

46. The computer program product of claim 45, wherein the accounting information includes parameters and wherein the using comprises adding at least one parameter from the accounting information to the first network accounting record.

47. The computer program product of claim 46, wherein the accounting information is in the form of a second network accounting record.

48. The computer program product of claim 47, wherein the second source is a network source, further comprising:

computer code for receiving the second network accounting record from the second source.

44. The computer program product of claim 46, wherein the second source is a memory, further comprising:

computer code for providing the accounting information to the memory for storage.

50. A method for collecting data from network entities for a data consuming application having a policy, comprising:

receiving a first network record and a second network record, each associated with a different network entity and including data parameters of the associated different network entity;

determining that the first and the second network records are related;

determining from the policy that the first network activity is to be enhanced with one of the data parameters from the second network record; and

adding the one of the data parameters from the second network record to the first network record.

51. The method of claim 50, wherein adding is performed by an enhancement component that resides in a module capable of aggregation.

52. An apparatus for enhancing network accounting data records for an accounting data consuming application having a policy, the apparatus coupled to a plurality of data collectors, each data collector collecting data from a different network entity, comprising:

a memory device for storing accounting data records received from the plurality of data collectors;

wherein a new accounting data record is correlated with one of the stored accounting data records; and

an enhancement device, responsive to the policy, for augmenting the new accounting data record with data from one of the stored accounting data records with which the new accounting data record is correlated.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)

Schweitzer et al.)

Application No. 10/012,962)

Filed: December 07, 2001)

For: ENHANCEMENT OF)

NETWORK ACCOUNTING RECORDS)

(as amended))

Group Art Unit: Unassigned

Examiner: Unassigned

Attorney Docket No. XACTP014D

Date: June 10, 2003

the-Amelt B
#3
T.D.
06/25/03

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope marked with EV334279707US and addressed to the address below on June 10, 2003.

Signed: _____

Erica L. Farlow

REQUEST BY APPLICANTS FOR INTERFERENCE
PURSUANT TO 37 CFR § 1.607

AND

PRELIMINARY AMENDMENT

RECEIVED

JUN 18 2003

Technology Center 2100

Commissioner for Patents
Mail Stop Interference
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Prior to examination on the merits, please amend the above application as follows:

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BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper 1

Filed by: Jameson Lee
Administrative Patent Judge
Mail Stop Interference
P.O. Box 1450
Alexandria VA 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Filed
5 October 2005

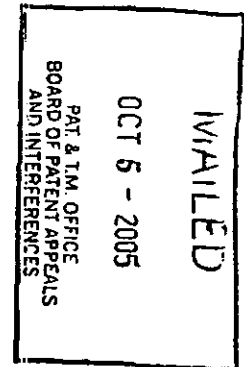
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

WILLIAM C.C. BULLARD, KEVIN FARRELL,
STEVEN BALL and DANIEL O. MAHONEY, II
Junior Party
(Patent 6,405,251),

v.

LIMOR SCHWEITZER, ERAN WAGNER
and TAL GIVOLY
Senior Party
(Application 10/012,962).



Patent Interference No. 105,385

DECLARATION

Part A. Declaration of Interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Jameson Lee has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for 1:00 p.m. (eastern) on 29 November 2005 (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: WILLIAM C.C. BULLARD, New York, N.Y.
KEVIN FARRELL, Windham, NH
STEVEN BALL, Sandown, NH
DANIEL O. MAHONEY, II, Rollinsford, NH

Patent: 6,405,251, granted 06/11/02, based on
application 09/276,201, filed 03/25/99

Title: Enhancement of network accounting records

Assignee: Nortel Networks Limited

Accorded Benefit: None

Senior Party

Named Inventors: LIMOR SCHWEITZER, Santa Clara, CA
ERAN WAGNER, Los Altos, CA
TAL GIVOLY, Cupertino, CA

Application: 10/012,962, filed 12/07/01

Title: Enhancement of network accounting records

Assignee: None

Accorded Benefit: Patent 6,418,467, granted 07/09/02, based on
Application 09/442,876, filed 11/18/99

PCT/US98/24963

Provisional 60/109095, filed 11/19/98
Provisional 60/066898, filed 11/20/97

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

Part F. Count and claims of the parties

The following two recitations in claim 29 of Schweitzer's involved application and claim 7 of Bullard's involved patent are each regarded as a means-plus-function element under 35 U.S.C. § 112, sixth paragraph, and with respect thereto the parties must comply with the requirements contained in the Standing Order with regard to means-plus-function claim elements:

a plurality of data collectors to receive information from the network entities and to produce records based on the information, each data collector in the plurality of data collectors being associated with and coupled to a different one of the network entities;

an enhancement component that augments data in one of the records produced by one of the ["plurality of data collectors" in the case of Schweitzer's involved application or "at least two of the plurality of data collectors" in the case of Bullard's involved patent] with data from a different one of the records produced by another of the ["plurality of data collectors" in the case of Schweitzer's involved application or "at least two of the plurality of data collectors" in the case of Bullard's involved patent].

Count 1

Claim 39 of Schweitzer's Application 10/012,962

or

Claim 7 of Bullard's Patent No. 6,405,251

The claims of the parties are:

Bullard: 1-22

Schweitzer: 33-52

The claims of the parties which correspond to Count 1 are:

Bullard: 1-22

Schweitzer: 33-52

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Bullard: None

Schweitzer: None

Part G. Heading to be used on papers

The heading in SO Form 1 must be used on all papers filed in this interference.

See SO ¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**
(Administrative Patent Judge Jameson Lee)

**WILLIAM C.C. BULLARD, KEVIN FARRELL,
STEVEN BALL and DANIEL O. MAHONEY, II**

Junior Party
(Patent 6,405,251),

v.

**LIMOR SCHWEITZER, ERAN WAGNER
and TAL GIVOLY**

Senior Party
(Application 10/012,962).

Patent Interference No. 105,385

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/s/ Jameson Lee
JAMESON LEE
Administrative Patent Judge

Enc:

Copy of STANDING ORDER

Form PTO-850

Copy Patent 6,405,251

Copy of Application 10/021,962

Revised September 2004

cc (via overnight delivery):

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San Jose, CA 95113

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**THIS DOCUMENT WAS NOT WRITTEN FOR PUBLICATION
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Trial Section Merits Panel
Mail Stop INTERFERENCE
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450
Tel: 571-272-9797 Fax: 571-273-0042

Paper No. 24
Entered December 30, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

WILLIAM C.C. BULLARD, KEVIN FARRELL
STEVEN BALL and DANIEL O. MAHONEY, II
Junior Party
(U.S. Patent No. 6,405,251)¹

v.

LIMOR SCHWEITZER, ERAN WAGNER and
TAL GIVOLY

Senior Party
(Application 10/012,962)²

Patent Interference No. 105,385

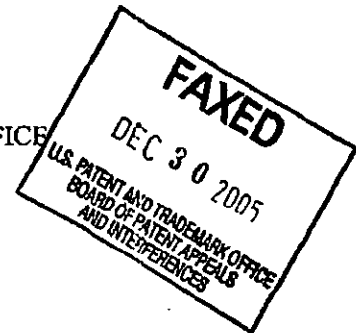
Before LEE, TIERNEY and NAGUMO, Administrative Patent Judge.

LEE, Administrative Patent Judge.

Judgment – Bd. Rule 127(b)

¹ Based on Application 09/276,201, filed March 25, 1999. The real party in interest is Nortel Networks Limited.

² Filed December 7, 2001. Accorded the benefit of Patent No. 6,418,467, filed on November 18, 1999; International Application PCT/US98/24963, filed November 20, 1998; and Provisional Applications 60/109,095, filed November 19, 1998, and 60/066,898, filed November 20, 1997. The real party in interest is AMDOC(ISRAEL) LTD.



Interference No. 105,385
Bullard v. Schweitzer

Junior party has filed a paper conceding priority as to the subject matter of the count in this interference. (Paper No. 23). The concession of priority is treated as a request for entry of adverse judgment. 37 CFR § 41.127(b). The request is granted. It is

ORDERED that judgment as to the subject matter of Count 1 is herein entered against the junior party WILLIAM C.C. BULLARD, KEVIN FARRELL, STEVEN BALL, and DANIEL O. MAHONEY, II;

FURTHER ORDERED that the junior party WILLIAM C.C. BULLARD, KEVIN FARRELL, STEVEN BALL, and DANIEL O. MAHONEY, II is not entitled to a patent containing its patent claims 1-22 which correspond to Count 1;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205; and

FURTHER ORDERED that a copy of this judgment be placed in the respective involved application or patent of the parties.

Interference No. 105,385
Bullard v. Schweitzer

/ss/ Jameson Lee

JAMESON LEE)

Administrative Patent Judge)

/ss/ Michael P. Tierney

MICHAEL P. TIERNEY)

Administrative Patent Judge)

/ss/ Mark Nagumo

MARK NAGUMO)

Administrative Patent Judge)

BOARD OF PATENT
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INTERFERENCES

Interference No. 105,385
Bullard v. Schweitzer

By Facsimile:

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95 S. Market Street, Suite 420
San Jose, California 95113

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Filed by: Trial Section
Mail Stop Interference
P.O. Box 1450
Alexandria, VA 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Paper 25
Filed:
10 February 2006

. UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

WILLIAM C.C. BULLARD, KEVIN FARRELL
STEVEN BALL and DANIEL O. MAHONEY, II

Junior Party,
(Patent 6,405,251),

v.

LIMOR SCHWEITZER, ERAN WAGNER and
TAL GIVOLY

Senior Party
(Application 10/012,962).

Patent Interference No. 105,385

ORDER - Bd.R. 103 - Termination

No notice of judicial review

Final Board action occurred in this interference on **December 30, 2005**. The
administrative record of this interference does not include a notice of judicial review, see
Bd.R. 8(b) (requiring notice of judicial review),¹ or of any extension of time to seek judicial
review, see 37 C.F.R. §§ 1.301-1.304. Accordingly, the jurisdiction of the involved files is
returned to the Office of the Commissioner of Patents.

¹ Failure to file a paper notifying the Board of judicial review may result in sanctions under Bd.R. 128 or
may result in unintended consequences, such as applications being held abandoned or patents issuing for applications
involved in the judicial review.

ORDER

ORDERED that each file at the Board for this interference be distributed.

/ss/ Sonja Despertt
SONJA DESPERTT
Paralegal
Trial Division

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Revised 23 January 2006